

# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, January 12, 2023

Riverside, OH

**CALL TO ORDER:** Deputy Mayor Denning called the Riverside, Ohio City Council Work Session to order at 6:01 pm at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

**PLEDGE OF ALLEGIANCE:** Mayor Williams led the pledge of allegiance.

**ROLL CALL:** Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; and Katie Lewallen, Clerk of Council.

**EXCUSE ABSENT MEMBERS:** No members of council were absent.

**ADDITIONS OR CORRECTIONS TO AGENDA:** No changes were made to the agenda.

**APPROVAL OF AGENDA:** Mr. Denning moved, seconded by Mr. Maxfield, to approve the agenda as presented. All were favor. **Motion carried.**

## WORK SESSION ITEMS:

**I. Proclamation Policy** – Mr. Rauch stated this was to have a conversation for proclamations and the practice of cities and mayors adopting proclamations. It is typically an executive function. It came up because one of the things learned last year is that the clerk would benefit from having more structure around the process that way proclamations aren't coming in last minute and making sure people can be present for acceptance. He added they should discuss the purpose of the proclamations and the role council has in proclamations that are suggested/requested. It is up to them to decide on the process and what they want it to symbolize and signify.

Ms. Fry stated they had previously discussed about the process of getting a proclamation through. She recalled it was not contentious. She requested a follow-up conversation because the way it is worded is that the council is making the proclamation as opposed to just the mayor. If it is coming from the entire council, then there is no process where the council agrees if they want to have a proclamation. The appropriateness is that if it matches what council says, then council supports it. If it is coming from the mayor, then it should be just the mayor.

Mr. Joseph stated he agreed. The mayor is a ceremonial type of position and would have the right to hand the keys of the city to a person or declare certain days after a person. While it has never been an issue, they don't want something to happen down the road where council would not support it and there just be a proclamation from the mayor and council. If the mayor wants it then the mayor can do it. If council wants to do something, then they can suggest it to the mayor or come together and discuss it.

# RECORD OF PROCEEDINGS

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Mrs. Franklin stated that proclamations are good. For her, she doesn't need a formal vote to get a proclamation across the table. She stated she understands any of them can make or bring a proclamation; the mayor just delivers it. If that is a policy they want, then maybe that needs to be reflected. She just would like to be notified there is a proclamation coming up, and if there is an issue, they can discuss it at council. She added that there is nothing they have recognized in the last three years she felt was bad. It doesn't need to be in depth, just clarification on who and why on a proclamation. This could happen by email. Anyone who has an issue can bring it up. She added that any member of council can suggest a proclamation and should do the work gathering the information with the clerk doing the edit.

Mr. Joseph stated that is what he was thinking as well. He feels that by setting a policy, it will supersede the seven of them being on the board. The purpose of this is so that a mess will not happen and there will be a process to not get sloppy for future councils. Mrs. Franklin stated they can change their policy/operating procedures every year because it is their operating procedures.

Mayor Williams stated that he wants to comment at the suggestion of the clerk on a timeline that is adhered to for proclamations. He stated he has done a number of proclamations that didn't have a lot of timing involved. This will put in writing and in practice a 30-day window or so in place where the clerk knows in March a councilmember wants to recognize something that all information is gathered and people are available. This is something that needs to be shared with plenty of time as opposed to council getting an agenda and seeing it for the first time. He added that establishing a turn around time will allow for everyone to ask questions and provide enough time for it to be put on the agenda.

Ms. Lommatzsch stated it is important not to talk about personalities or people in public meetings. Organizations are one thing but discussing giving or not giving to an individual may be hurtful. She believes the whole point of the conversation is for council to know ahead of time.

Discussion was held on deliberations that councilmembers can hold.

The clerk discussed researching other municipalities and best practices for proclamations. It is more of a time consideration to make sure everything is properly submitted and correctly formatted, as well as, to allow for a person or persons to be contacted in order to accept the proclamation. This is more of a guideline to follow as there may be times when things come up sooner than within a 30 day window.

Ms. Fry stated if they are going to continue with proclamations from the city when requested, then immediate notification goes to all of council. There also needs to be some guidance for when a councilmember disagrees. She asked what that guidance would be. Mrs. Franklin stated they can mention it during their council comments. Mayor Williams stated that should he propose recognizing someone then the clerk would notify council and should one of them have a concern about it, then the two of them could speak about it. Once they speak, then they can determine if questions have been answered and/or whether or not the item stays on the agenda. They could then discuss it at the meeting. Mr. Maxfield was concerned if



# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

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Riverside, OH

someone slides something in under the 30-day window that may not work well to discuss especially if it is a contentious item. Mr. Denning stated that when they appoint someone to a board or commission they make a motion. They may wish to do this in the same manner. If there isn't a majority vote, then they will need discussion. Mr. Joseph stated that some proclamations are surprises to citizens. Mr. Rauch stated that he is hearing two tasks. There is a desire to create a feedback loop to where council is informed on the proclamation. The other sensitivity is to not create too much process over a proclamation as that can take time up in meetings for what is a straight forward legislative procedure. They can look at a proclamation as the executive branch's way of having discretion to do recognition. If council as a legislative body wants to do recognition, then they could adopt a resolution to that effect as well. The easy approach would be to take the city council reference out of the proclamation language. While it is a reflection of the city and of council, it makes it more so a prerogative of the mayor. If council wants to weigh in on another matter, they can do that through a resolution. It builds a cleaner cut into the proclamation.

Mr. Rauch added he thinks it is important for councilmembers to have individual conversations, and they are perfectly within their rights. They just cannot have a serial meeting or take votes but getting to know one another's opinions is fine. They need that and to not make assumptions. He stated that the clerk can make the change to the proclamation to pull out the council and make it from the mayor. Mayor Williams added that one of the things he wanted to avoid was something that was brought up for the first time when council is asked to take action. Council needs to have time to ask questions. Because of that, he understands that they should not find out about a proclamation within just a few days. He will improve upon that and make sure the lines of communications are there.

Mr. Rauch stated they will look at this and make minor adjustments and have it scheduled for one of the meetings in February. It will be incorporated into the council manual and have them adopt the revision as a housekeeping item.

**II. Aggregation Update** – Mr. Lohr stated that the community approved both ballot measures in November for gas and electric aggregation. That means all residential in the city and small non-residential customers will be automatically enrolled in whatever aggregation program is set up unless they choose to opt out of the program. Bills will still come from AES for electric and Center Point for natural gas, however, the supplier may be from a different company. The next step is to select their aggregator. There are two options are Sustainable Ohio Public Energy Council (SOPEC) and Miami Valley Communication Council (MVCC) with the Ohio Municipal League (OML)/Palmer Energy Group.

Mr. Lohr reviewed SOPEC's information indicating it is a council of governments. Should the City of Riverside select this aggregator, they would be the second largest city in the group and would have a seat at the board of directors table. They focus on renewable energy. All of the energy provided to SOPEC members is green energy. They also have baked into their programs brown energy, more traditional energy. SOPEC also offers a community grants program that is voluntary. The funds can be used for sustainable projects like energy efficiency updates for government facilities, solar panels and electric vehicles for



# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, January 12, 2023

governments. One idea would be to do energy efficiency updates for single-family homes as Riverside has a number of neighborhoods with older housing stock.

He stated the pool size they have right now for electric is 600 GWH/year, the gas program is still forming. He listed some of the jurisdictions involved: Dayton, Athens, Gallipolis, Logan, and numerous smaller communities.

He reviewed the process and timeline for SOPEC. Two public hearings will need to be held after publication of the plan of operation and governance. This could happen in February. Legislation would then come forward and to adopt the plan of governance by SOPEC. Residents would then receive opt-out notices for electric in March/April. He stated if council goes with SOPEC and legislation is passed in February, then it is possible for residents to receive a new electric rate as early as April or May. That is because they have a contract with AEP Energy and are the exclusive provider for AEP, so there is no need for an RFP. Regarding the gas rates, SOPEC will have to go through an RFP process and then notify residents of the rate and offer residents an opt-out option possibly by June. New gas rates would be effective July 31.

He reviewed the process with the MVCC through OML/Palmer Energy stating it is another council of governments. The City of Riverside is an associate member, so they do not have voting rights for the organizations, but they participate in a number of different functions. He stated they would set up an aggregation sub-committee, and everybody who participates would have a seat on that sub-committee. From that group there would be elected five executive members who would then be that decision making body for aggregation considerations. That group would then have a representative on the OML committee. That committee would manage the relationship between Palmer energy and its members. The influence on this process for Riverside would be a little more indirect than with SOPEC. Both electric and natural gas groups are forming as they are gathering up participants as 17 jurisdictions have expressed interest, and all still consider joining. He is unaware of any council in the area that has passed legislation, but should all 17 jurisdictions participate that would be up to 860 GWH/year for electric and up to 4.2 BCF/yr. for natural gas. SOPEC does not have a natural gas group size at this time to compare.

Mrs. Franklin asked if they can move forward if they wanted to since they only have jurisdictions expressing interest and not yet members. Mr. Lohr replied they could by passing a resolution to participate in the MVCC Aggregation Program. Through that, they contract with Palmer Energy. Mr. Maxfield stated that it could potentially backfire, and a smaller number could join. Mr. Lohr stated that was a possibility. Discussion was held on the numbers and the unknowns with MVCC.

Mr. Joseph asked if new members were joining SOPEC. Mr. Lohr stated he was not able to get confirmation on any new members with SOPEC, but he has heard that Clayton is talking to them and has heard Trotwood is speaking with them as well. Nothing is confirmed. Discussion was held on SOPEC having 600 GWH already without Riverside joining and comparing what the possible number of 860 GWH with MVCC. Mr. Maxfield expressed his concern with being the only one that would sign and then no one else puts them in a smaller



# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, January 12, 2023

Riverside, OH

pool. He asked a timeline other cities may have and if they can wait a bit. Mr. Lohr stated that is an option; they can wait six months to see where everyone joins. They would just loose out on that time for savings. Discussion continued on the number of members to SOPEC.

Ms. Fry asked if there were other brokers in Ohio. Mr. Lohr stated he didn't believe so. Mr. Denning asked if Beavercreek belonged to one. Mr. Lohr replied he didn't know, but knew that Kettering and Huber Heights already have aggregation programs directly with a private aggregator. He added this is also an option. If they were to do that, they would be going it alone and thus a smaller pool. The bigger they get the better rates they will receive.

Mr. Denning asked how long would they be signed on with a broker. Mr. Lohr stated with SOPEC they were going with a three-year contract; with MVCC, he does not believe there was a time period with it. He believes they would have to wait out any aggregation contract they would have signed. Council would need to pass legislation to get out of the program.

Mr. Joseph stated the pinching of the pennies is now. He reviewed what SOPEC had to offer compared to MVCC. There are many communities having this conversation now. He thinks to get this passed quickly and lower cost bills to all of them, SOPEC would be the best one to join. He asked if they could get data on what Dayton residents were paying before aggregating to now and compare it at their current level only having 600 GWH versus if they are going to add a bunch more residents to that base, and they have more leveraging power so maybe dropping the bill even lower. Mr. Lohr stated he could get some information on those rates. He stated most people are paying .10/kwh and Dayton locked in a .07/kwh. Mayor Williams added that Beavercreek also locked in a low rate as they are with an aggregator, Dynagy, a company out of Houston.

Ms. Fry stated that she feels the MVCC gigawatt hours are best case scenario. It would be equal with SOPEC if only 25 percent of those 17 communities decided not to go with them. The chances are probably pretty good they would lose more than 25 percent in the decision making process and they don't have the numbers for SOPEC. The scales are tilted towards SOPEC in her view. Mr. Joseph gave an estimate if they were on .07/kwh indicating it is a \$34.13 savings average per household/month. Mr. Lohr stated if they can lock in a good rate it can be a substantial savings. He added that as far as a timeline for MVCC, it would put electric and natural gas at July 31 for residents to start having a new effective rate. They would have to go through the same first two steps with public hearings and passing legislation.

Discussion was held on the public hearings and not confusing them with the public hearing that goes along with ordinance passage. The two public hearings are more public meeting requirements. It allows people to come in and give their opinions about the governance. Mr. Lohr explained that the difference in the rates is that SOPEC could be effective in April or May with MVCC rates are effective July 31, 2023, for August bills. Mr. Rauch summed up that SOPEC is in a better position to move forward for electric, but they have to wait for gas. The MVCC process they will have less direct control over along with other approvals they have to go through, which gives a longer time line. If they are looking to come to a decision



# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, January 12, 2023

in the next three months, not much will shift dramatically; it will only push them back three months. Discussion continued on dates when rates would be effective. Mr. Lohr stated if they wait, they will have more information, but they may miss some savings. Mr. Maxfield stated they would make a better informed decision if they did wait. It could work or backfire; it is a tough decision to make. Mr. Rauch stated they wanted to show them the pros and cons for them to make an informed decision. Mr. Denning stated that residents are less concerned with how it is governed and more concerned with what they are paying per kilowatt hour; they need to get the information on what they will pay per kilowatt hour. Mrs. Franklin stated things change week to week on rates, but the inner workings of the agency also tells a lot about where the future of that agency is going. She is looking at things like MVCC working with OML and are they pulling in bigger cities to impact the rates.

Mr. Rauch stated he understands their concern on rates, but they should not frame the conversation around the total rate as there are surcharges from the agency that are involved. The rate the broker is going to be able to secure is up to the broker, what they are able to negotiate, and what the energy prices are. He added that one thing that informs the conversation is whether or not the brokers are willing to tell them what their surcharge is as a broker. Mr. Lohr was able to find some of that information from SOPEC but not from MVCC; he is not sure they are likely to see that. The contract with Palmer is with OML. Mr. Lohr stated that MVCC is a non-profit and records transparency in contracts is not something they have to disclose. Mr. Rauch stated when they are looking at the cost of brokers, they are not talking a lot of money each year. He provided surcharge estimates for SOPEC, a rate of .002/kwh and .001/kwh option grant program; and MVCC/Palmer, a rate of .001/kwh (estimate). With an average usage of 900 kwh/month, the SOPEC runs a monthly surcharge of \$1.80 or \$2.40 with grant for a yearly amount of \$21.60 or \$32.40 with grant; the MVCC/Palmer runs a monthly surcharge of \$0.90 or a yearly amount of \$10.80. He added that besides the cost, they should look at if there are things that attract them about the brokers themselves.

Mr. Joseph stated that the annual surcharge is not really any different. One is open and the other is not and residents can see who is making decisions on their energy rates versus them potentially not having that access. It is a plus to have openness on the negotiations.

Mrs. Franklin asked what the city needed from them that evening. Mr. Lohr stated they need specific direction on the broker they want or what information they need more of to guide them. Mr. Rauch stated they are not under any obligation to do this within a month. It is a question of timing, the public hearing process, and when the brokers are doing their bidding, negotiating, and bargaining, and those periods when rates are being set. That is what governs when they can get a program through, and residents see their bill impacted.

Discussion continued on the size of membership of MVCC. Mr. Rauch stated that this is a lot of information, but he feels they have some space to digest the information and ask them questions. They can watch what other municipalities are doing. Mr. Denning asked if they had to pick one or the other for both natural gas and electric. Mr. Rauch stated they could split. Mr. Denning would like to see more options and the cost difference between green



# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, January 12, 2023

Riverside, OH

versus brown energy. Mr. Rauch stated they will follow up and come back to them next month with an update.

**III. Streetlights** - Mr. Rauch stated that a map is being presented to council of the lighting districts. There was an incident on Beatrice, recently, which is not currently lit by street lighting. They have had some inquiries and interest on what the city would have to do should they wish to provide lighting along that thoroughfare. He is looking for feedback on two items. The first is the actual cost of putting the lights in. Ms. Bartlett reached out and found the cost of adding the street light polls along that road is around \$13,000. The annual operating cost may be around \$2,000 - \$3,000. In the grand scheme, that is not a major cost; he can try and budget for that. He wanted to know if council wanted to do that. The wrinkle is that there are several different lighting districts in the city. Depending on where the lighting company wants to put the polls in, those polls may be installed in different districts. The districts each have different methodologies for how residents are charged for the lighting costs. In the future, it may be worthwhile to revisit how the lighting districts are organized because there are some inconsistencies how the currently function. Mr. Lohr stated they have 42 lighting districts in the city with a majority inherited from the township. For 39 of the districts, the cost is totaled up for all the lighting and divided by the number of parcels in the district, and each parcel is assessed that amount. For two districts, Valleyview and Brantwood, they take the total cost of the lighting in each neighborhood, and divide that by the street frontage (width of the lot), and then assess by that street frontage. He stated that the final method they use is a general district that picks up many of the lights and parcels that are not in their own individual district, so if one parcel is within 200' of the red dots on the map, it falls in that affected area. They total up each of the eligible parcels and total up the linear street frontage. They take the total cost of all the lights involved and divide it by the street frontage of those affected parcels. Then each parcel is assessed that way. There are three different methodologies. He explained how Beatrice was broken up into three areas. For Beatrice it looks like there would be two separate lighting districts.

Mrs. Franklin stated she is fine with putting lights up but asked if they need a larger conversation to fix this. Mr. Rauch stated that was the purpose of bringing it to their attention. He knew there was consensus with getting lighting on Beatrice among council, but when they started to look at the lighting they have some variability. He added where those lights get installed could impact who is paying and how much. He felt they needed to be aware and to work on this project within the next couple of years with the lighting districts. Discussion was held when the lighting first went up. Mr. Denning stated the two newest districts probably have fairer billing. Mr. Rauch stated unless there are objections, they will start to work on the groundwork for putting the lights in and then work on the overall project going forward for the next 12 – 36 months. Mr. Denning stated there are some neighborhoods off of Beatrice that have no lighting like Valencia and Golden Meadows. He felt if they are going to put in lighting they may want to include those streets. Mr. Rauch stated from this, they can make a more deliberate lighting plan for the community, and then figure out how to realign the districts according to what that lighting plan calls for. He hesitates to put lighting in too many places at the moment because not all of the thoroughfares are lit. He understands the urgency for Beatrice, but he wants to build a plan that addresses everything

# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, January 12, 2023

in one shot. Discussion was held on design standards for lighting. He will provide an update to them in February.


**IV. Property Tax Renewal - Police** – Mr. Rauch stated that they have a property tax levy for police that expires at the end of this year. There are two opportunities to put this renewal on the ballot; he recommends a simple renewal with no increase in property taxes. It is entirely dedicated to police and public safety. They can get it on the ballot as early as May. He reviewed the process to get that done. Should the resolution not prevail, they can put it on in November. If it fails again, the challenge is that property tax brings in almost half of the police budget. He does not have a plan should that fail. It is just a request to the voters to maintain and continue as they have with no increase. He stated that the school board also has a levy going on this year. If there are no objections, he will bring it to them at the next council meeting in the form of a resolution to begin the process.

**EXECUTIVE SESSION:** Mr. Joseph moved, seconded by Mr. Maxfield, to enter executive session for the following: 103.01(1) Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official. Roll call: Mr. Joseph, yes; Mr. Maxfield, yes; Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. Council went into executive session at 7:37 pm.

**RECONVENE:** Council reconvened at 8:12 pm

**ADJOURNMENT:** Deputy Mayor Lommatzsch moved, seconded by Mr. Joseph, to adjourn. All were in favor. The meeting adjourned at 8:12 pm.

  
Peter J. Williams, Mayor

  
Clerk of Council